

RULE 63 (37 C.F.R. DECLARATION AND POWER TORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I

COMPENS	the contract of the first	CUECK and leading DOV/COV			
x	the specification of which (A. is attached hereto.	CHECK applicable BOX(ES))			
BOX(ES)	→ B. was filed on	a:	U.S. Application No.	1	
→	→ C. was filed as PC	T International Application N	lo. PCT//	on	
	icable to U.S. or PCT applica				
above. I ack foreign priori Application w certificate, or	nowledge the duty to disclose all ty benefits under 35 U.S.C. 119(a hich designated at least one oth PCT International Application, fi	stand the contents of the above identified information known to me to be material ta)-(d) or 365(b) of any foreign application er country than the United States, listed to the by me or my assignee disclosing the (2) if no priority claimed, before the filing	to patentability as defined in 37 (s) for patent or inventor's certi below and have also identified subject matter claimed in this a	C.F.R. 1.56. Except as ficate, or 365(a) of any below any foreign applications.	s noted below, I hereby clair PCT International cation for patent or inventor
	REIGN APPLICATION(S)		Date first Laid-	Date Patented	
Number	Country	Day/MONTH/Year Filed	open or Published	or Granted	Priority NOT Claimed
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application is defined in 37 application:	in addition to that disclosed in st C.F.R. 1.56 which became avail	below and, if this is a continuation-in-par uch prior applications, I acknowledge the lable between the filing date of each such	duty to disclose all information prior application and the nation	nknown to me to be mai nat or PCT internationa	erial to patentability as I filing date of this
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PATEN ND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

^{*} Six months for Design Applications (35 U.S.C. 172).



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